In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 2202 of 2007

Date of Decision: 12.02.2007

Lachhman Dass

…Petitioner

Versus

The Presiding Officer, Labour Court, Ambala and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE RAJESH BINDAL

PRESENT: Mr. P.K. Sachdev, Advocate,
for the petitioner.

JUDGMENT

M.M. KUMAR, J.

This petition filed under Article 226 of the Constitution prays for quashing award dated 9.3.2006 (P-10), passed by the Labour Court, Ambala, in Reference No. 141 of 2000. It has further been prayed that the order dated 1.9.1997 (P-5), passed by the Managing Director, the Ambala Central Cooperative Bank Limited, Ambala City, dismissing the petitioner from service with effect from 27.8.1997 be also set aside. It is pertinent to mention that the aforementioned order was subject matter of challenge before the

Labour Court in Reference No. 141 of 2000, which culminated into the award, dated 9.3.2006 (P-10). There are categorical findings recorded by the Labour Court that regular inquiry in accordance with the principles of natural justice was held against the petitioner and he was found guilty of misconduct of embezzling the amount belonging t the Cooperative Societies. It has further been held by the Labour Court that the petitioner has made false statement that no show cause notice was given and the inquiry was not held in accordance with law. The findings are found to be based on evidence and there was no perversity. The petitioner is stated to have intentionally, deliberately and knowingly committed various embezzlements in respect of various accounts of the Society and its member by way of not depositing the amounts in the accounts of the Society and its members.

Having heard learned counsel at some length, we are of the considered view that no interference of this Court in the aforementioned findings would be warranted. This Court cannot act as a Court of Appeal against the findings recorded by the Enquiry Officer and the view of the Labour Court does not suffer from any legal infirmity. Accordingly, the writ petition fails and the same is dismissed.

(M.M. KUMAR)
JUDGE

(RAJESH BINDAL)

February 12, 2007 **JUDGE**

Pkapoor